

GOVERNMENT OF THE DISTRICT OF COLUMBIA



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Enforcement Statement – Outdoor Storage of Motor Vehicles

June 8, 2009

On December 23, 2008, the D.C. Department of Consumer and Regulatory Affairs issued emergency regulations on Outdoor Storage of Motor Vehicles in the District of Columbia. The final regulations were published in the D.C. Register and became effective on February 20, 2009. *See* 16 DCMR § 314. From January to April 2009, the Department conducted education and outreach to inform used car dealers about the new requirements. Since April 20, 2009, the Department has enforced the regulations by posting Notices to Abate at non-compliant lots and towing vehicles from lots that have made little or no progress towards coming into compliance.

The Department recognizes that, although five months have passed since these regulations were issued, some used car dealers may have been unable to make the investments or modifications necessary to come into full compliance. To assist a dealer who is working in good faith to comply, the Director will grant – upon request and on a case-by-case basis – an extension of time, as appropriate, to give the dealer additional time to:

- (1) come into compliance with 16 DCMR § 314 by constructing a permanent garage or permanent building for the purpose of storing motor vehicles indoors;
- (2) come into compliance with 16 DCMR § 314.4(c) by arranging to become the only person holding a basic business license for the dealer's lot;
- (3) come into compliance with 16 DCMR § 314.5(a) by moving the dealer's business to a lot located in a C-M or M zoning district;
- (4) come into compliance with 16 DCMR § 314.5(b) by constructing a permanent building with office and bathroom;
- (5) come into compliance with 16 DCMR § 314.5(d), (e), (f), or (g) by paving the dealer's lot, painting parking spaces, installing curbs, guard rails, or fencing, or planting live trees and shrubs;
- (6) come into compliance with 16 DCMR § 314.5(h) by constructing a wall or planting hedges or trees; or

- (7) wind up the dealer's business.

In deciding whether to grant an extension, the Director may consider the following factors, among others:

- (1) whether the dealer is likely to be able to come into compliance as proposed;
- (2) whether the dealer has previously made substantial capital improvements to the dealer's lot, such as construction of a permanent building;
- (3) whether the dealer has been maintaining the dealer's lot in accordance with 16 DCMR §§ 314.6(a), (c), (g), and (h), which govern hours of operation, use of Federal Trade Commission Buyers Guides, outdoor storage of vehicle parts and trash, and outdoor storage of disassembled or junk vehicles;
- (4) whether the dealer has a history of violations or infractions of District laws applicable to the operation of the dealer's motor vehicle dealer business; and
- (5) whether the dealer's lot has been subject to nuisance abatement pursuant to D.C. Official Code § 6-804.